

D.P.U. 93-86

Petition of Portable Cellular Communications, Inc. and PTC Cellular, Inc. under the provisions G.L. c. 159 for approval of the transfer of the certificate of public convenience and necessity from Portable Cellular Communications, Inc. to PTC Cellular, Inc.

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FOR: PORTABLE CELLULAR  
COMMUNICATIONS, INC.  
Petitioner

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FOR: PTC CELLULAR, INC.  
Petitioner

## I. INTRODUCTION

On April 27, 1993, Portable Cellular Communications, Inc. ("Portable") and PTC Cellular, Inc. ("PTC"), pursuant to G.L. c. 159 and 220 C.M.R. § 35.08, filed a joint application with the Department of Public Utilities ("Department") requesting approval of the transfer of the certificate of public convenience and necessity to operate as a radio common carrier ("certificate") from Portable to PTC. Specifically, the parties have requested approval of the transfer of Portable's certificate, subscriber base, property and equipment, and agreements and assets, as well as Portable's outstanding liabilities to the facilities-based carriers.<sup>1</sup> The joint application was docketed as D.P.U. 93-86. Pursuant to notice duly issued, interested persons were afforded an opportunity to submit comments, objections, or requests for a hearing. No such comments, objections, or requests for a public hearing were filed.

## II. STANDARD OF REVIEW

In approving the transfer of a certificate for a mobile radio utility system, the Department considers the reason for the transfer, and must find that the transferee possesses the managerial, technical and financial qualifications to provide the service, and that the transfer will not adversely affect the public convenience and necessity. 220 C.M.R. § 35.08; Zip Call, Inc., D.P.U. 1723 (1985); Mobilephone Paging Radio Corporation/Metromedia, Inc., D.P.U. 1412 (1983).

## III. ANALYSIS AND FINDINGS

Based on the verified application and related materials filed, the Department finds that

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<sup>1</sup> The Department notes that 220 C.M.R. § 35.08 requires only that the Department approve the transfer of the certificate of public convenience and necessity and, therefore, we will not address the transfer of Portable's subscriber base, property and equipment, agreements and assets, or outstanding liabilities.

PTC has the managerial, technical and financial qualifications to provide the service, and that the proposed transfer will not adversely affect the public convenience and necessity.

IV. ORDER

Accordingly, after due notice and consideration it is

ORDERED: That the joint application for approval of the transfer of the certificate of public convenience and necessity of Portable Cellular Communications, Inc. to PTC Cellular, Inc. be and hereby is approved and it is

FURTHER ORDERED: That PTC Cellular, Inc. may not provide cellular service within Massachusetts until a tariff has been approved by the Department.

By Order of the Department,